

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

DIAMOND FINANCE CO., INC.

Debtor.

Chapter 7

Case No. 8-20-71877 (REG)

**ORDER DIRECTING THE UNITED STATES MARSHAL SERVICE TO DETAIN
MARCOS BENZAQUEN**

Upon the motion dated October 20, 2020 [Dkt. No. 127] (the “Motion”) of Marc A. Pergament, as Chapter 7 trustee (the “Trustee”) of Diamond Finance Co., Inc., for entry of an order under section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 9016 and 9020 of the Federal Rules of Bankruptcy Procedure holding Marcos J. Benzaquen (“Benzaquen”), having a place of business of Diamond Cars R Us in at 707 Hempstead Turnpike Franklin Square, New York 11010, in contempt thereof, imposing sanctions, and compelling Benzaquen to comply with the Trustee’s subpoena, issued pursuant to the Court’s June 12, 2020 Order directing the production of documents and oral examination of Benzaquen; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and upon the Order dated November 10, 2020 [Dkt. No. 132] (the “Contempt Order”) directing Benzaquen to appear within (7) days as further set forth in the Contempt Order under penalty of detention by the United States Marshal Service;

and upon no such appearance having occurred within the timeframe set forth in the Contempt Order, it is hereby:

ORDERED, that, pursuant to 11 U.S.C. § 105(a) and the inherent power of this Court to impose civil contempt sanctions, the United States Marshal Service is commanded and directed to detain Benzaquen into physical custody and to cause Benzaquen to be incarcerated in a federal facility until he is released by the Court upon Benzaquen's compliance with Trustee's subpoena issued pursuant to this Court's June 12, 2020 Order, and it is further

ORDERED, in carrying out this Order, the United States Marshal Service is authorized to use whatever force is reasonably necessary in order to arrest and restrain Benzaquen, and may do so after business hours. If the Marshals arrest Benzaquen during a weekend, they may detain him over the weekend, and it is, further

ORDERED, that the detention and incarceration of Benzaquen shall continue until such time as he has purged his contempt by complying with the Trustee's subpoena issued pursuant to this Court's June 12, 2020 Order.

**Dated: Central Islip, New York
November 18, 2020**



A handwritten signature in black ink, appearing to read "Robert E. Grossman".

**Robert E. Grossman
United States Bankruptcy Judge**